

RUBIN, FIORELLA & FRIEDMAN LLP

James E. Mercante, Esq.

Richard González, Esq.

630 Third Avenue, 3rd Floor

New York, New York 10017

(212) 953-2381

Attorneys for Defendants,

JD Marine Services and James DeSimone

Civil Action No.: 11-cv-06073 (SJF)(AKT)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE COMPLAINT,

Of

In the Matter of the Complaint of John Franz, as
Owner of the 1996 Silverton 37 Motor Yacht
Pleasure Vessel, for Exoneration from or
Limitation of Liability,

Petitioner.

CNA INSURANCE COMPANY as
Subrogee of Edward Shand,

Defendant/Third-Party
Plaintiff

v.

JD MARINE SERVICE, JAMES DeSIMON,
JOHN FRANZ, MICHAEL BRUEMMER d/b/a
WEST BANK MARINA and JOSE TORRES,

Third-Party Defendants.

OLD UNITED CASUALTY COMPANY as
Subrogee of John Franz, as Owner of the 1996
Silverton 37 Motor Yacht Pleasure Vessel.

Plaintiff,

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE**

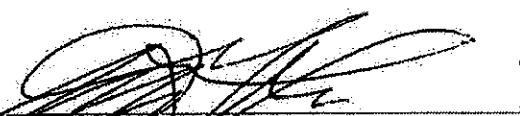
v.

JD MARINE SERVICES and
JAMES DeSIMON,

Defendants.

This captioned matter having been amicably adjusted and agreed settled by the undersigned attorneys for the plaintiffs, **Old United Casualty Company as Subrogee of John Franz**, and the defendants, **JD Marine Services and James DeSimone**, it is hereby Stipulated and Agreed that the above action, and any and all claims, counter-claims and/or cross-claims, are discontinued in their entirety, with prejudice, and without costs to these parties.

Dated: December 5, 2012
New York, New York



James E. Merante, Esq.
Richard González, Esq.
RUBIN, FIORELLA & FRIEDMAN LLP
630 Third Avenue, 3rd Floor
New York, NY 10017



Robert E. Kiely, Esq.
Sean Scanlon, Esq.
REGAN & KIELY, LLP
88 Black Falcon Avenue, Suite 330
Boston, MA 02210

*Attorneys for Plaintiff,
Old United Casualty Company*

SO ORDERED:

Dated: _____
New York, New York

United States District Judge

CERTIFICATE OF SERVICE

I, Sean P. Scanlon, Esq., hereby certify that the Stipulation and Order of Dismissal with Prejudice filed through the ECF system, will be sent electronically to all registered participants as identified on the Notice of Electric Filing (NEF), and paper copies will be sent to those indicated as non- registered participants, on January 4, 2013.

/s/ Sean P. Scanlon